

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Court Minutes and Order

DATE: April 16, 2024
JUDGE: Pamela Pepper
CASE NO: 2020-cr-26
CASE NAME: United States of America v. Yousef Omar Barasneh
NATURE OF HEARING: Sentencing
APPEARANCES: Benjamin Proctor – Attorney for the government
John Campion – Attorney for the defendant
Yousef Omar Barasneh – Defendant
James Fetherston – US Probation
COURTROOM DEPUTY: Kristine Wrobel
TIME: 1:33 p.m. – 2:36 p.m.

The defendant had pled guilty to Count One, criminal conspiracy to violate civil rights.

The court listed the relevant sentencing documents and confirmed that defense counsel had reviewed those documents with the defendant and that the prosecutor had reviewed them.

The court explained to the defendant that the Sentencing Guidelines calculations were advisory, but that the law required the court to calculate them and then consider them along with the §3553 factors.

The court made the following findings as to the offense level(s):

Count One

Base offense level: 12, §2H1.1(a)(2)

Objection(s): Yes No

Enhancements: 3 level(s), §3A1.1(a) because the defendant intentionally selected the target property (the synagogue) because of the religion of the members (hate crime motivation).

Objection(s): Yes No

Reductions: 2 level(s), §3E1.1(a) for the defendant's acceptance of responsibility.

Objection(s): Yes No

Adjusted offense level: 13

Objection(s): Yes No

The court made the following findings regarding the criminal history category:

Criminal history points: One, yielding a criminal history category of I.

Objections: Yes No

The court found that the adjusted offense level of 13 in criminal history category I resulted in an advisory sentencing range of 12-18 months.

Objections: Yes No

The court addressed the government's motion for a downward departure under U.S.S.G. §5K1.1. The court agreed that the motion was appropriate. The court granted the motion for a 45% downward departure from the adjusted advisory sentencing guidelines, from an advisory range of 12-18 months to an advisory range of 6-10 months.

Government's recommended sentence: A sentence within the reduced, adjusted, advisory sentencing guideline range.

Defendant's recommended sentence: A non-custodial sentence.

The defendant spoke to the court on his own behalf.

The court imposed a sentence of: Two (2) years of probation

Special Assessment: \$100.00

Fine: Not imposed

Restitution: None

The court thanked those who had come today to be in the courtroom and support the defendant, as well as members and friends of the victim synagogue.

The court imposed conditions of supervised release, which the judgment will reflect.

Defendant in custody: Yes No

The defendant received a non-custodial sentence and will not need to report for a period of incarceration.

The court advised the defendant that he had a right to appeal, that he had a

limited time in which to do so, and that he should discuss his appeal rights with his attorney. The court will enter judgment reflecting the above sentence.

The court **GRANTS** the government's motion at Dkt. No. 96.

Dated in Milwaukee, Wisconsin this 16th day of April, 2024.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge